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REMARKS

Claims 1-37 are currently pending in the subject application and claims 1-19 are presently under consideration. Claims 1-19 have been amended herein to cure minor typographical errors as shown on pp. 2-8 of the Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-19 Under 35 U.S.C. §103(a)

Claims 1-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ADO.NET and further in view of Omoigui (US 20030126136 A1). This rejection should be withdrawn for at least the following reasons. ADO.NET and Omoigui, either alone or in combination, do not teach or suggest each and every limitation set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure*. See *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Applicants' claimed invention provides a system and method for providing a streaming input and streaming output incremental XML transformer that can be employed in push and/or pull model processing. The XML transformer facilitates a user incrementally building the output from XML data so that only a subset of an XML document needs to be loaded into memory to perform a selective transformation. Independent claims 1 and 19 recite similar limitations, namely: *a transformer that*

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transforms one or more input XML items in a first format to one or more transformed XML items in one or more second formats; and an output manager that facilitates selectively pulling and/or pushing a subset of the transformed XML items. Neither ADO.NET nor Omoigui, either individually or in combination, teach or suggest these novel aspects of applicants' claimed invention.

The Examiner contends that ADO.NET at page 4 provides a transformer that transforms one or more input XML items in a first format to one or more transformed XML items in one or more second formats. Applicants' representative avers to the contrary. The Examiner contends that ADO.NET, at the page indicated, apparently depicts an XML Reader and a component that ostensibly supplies XML input which the XML Reader in turn seemingly interprets to provide an XML Data Document; it appears however, that there is no transformative process in ADO.NET to convert XML input from a first format into a second format. In contrast, the invention as claimed provides a transforming component that transforms XML items received in a first format into transformed XML items that are output in a second format, *i.e.*, the XML items that are received by the transforming component in the first format are not the same first format XML items once they have been manipulated by the transforming component into the second format. Moreover, it should be noted, because ADO.NET does not provide a comprehensible description of its activities with respect to the interaction of the components depicted, it is improper for the Examiner, and further it is well-nigh impossible for applicants' representative, let alone one ordinarily skilled in the art, to characterize the illustration as anything other than a depiction of disparate components connected by directional arrows displayed on a sheet of paper to which much dissonant conjecture can be advanced.

Furthermore, the Examiner concedes that ADO.NET does not teach an output manager that facilitates selectively pulling and/or pushing a subset of the transformed XML items, and asserts that Omoigui cures this deficiency at page 40, paragraph [0759]. Applicants' representative disagrees. Omoigui discloses an integrated implementation framework and resulting medium for knowledge retrieval, management, delivery and presentation. However, the cited document does not provide an output manager that selectively pulls and/or pushes a subset of the transformed XML items. Rather it appears

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that Results Browser disclosed by Ormoigui displays any and all XML files that are sent to it. Applicants' claimed invention in contrast selectively pulls and/or pushes a subset of the XML items that are directed to the output manager. Thus, it is submitted that the cited document and the invention as claimed are clearly distinguishable. Accordingly, for at least the foregoing reasons, this rejection should be withdrawn with respect to independent claims 1 and 19, and claims that depend there from.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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